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Permanent Forum on Indigenous Issues
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Draft report

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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

1. The Permanent Forum on Indigenous Issues has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

2. It is the understanding of the secretariat of the Permanent Forum that those proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

Recommendations of the Permanent Forum

3. At its sixth session, in 2007, the Permanent Forum held a half-day discussion on Asia and made a range of recommendations to Asian States as well as to the United Nations system and indigenous peoples themselves. The Forum expresses concern that most of those recommendations are yet to be implemented. At the same time, it appreciates the positive steps and developments in addressing the issues of indigenous peoples in Asia. These include the legal recognition of the Ainu as the indigenous people of Japan, the decision of the Constitutional Court of Indonesia recognizing the customary rights of indigenous peoples with regard to forests and the increased engagement and partnerships of national human rights institutions and agencies of the United Nations system with indigenous organizations and institutions.

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4. The Permanent Forum is also concerned by the increasing adverse impacts of climate change and by mitigation and adaptation measures such as large hydroelectric dams, nuclear power plants, biofuel plantations, windmills and geothermal plants, which are being built in indigenous territories without the free, prior and informed consent or the full and effective participation of indigenous peoples. Likewise, the economic investment plan of the Association of Southeast Asian Nations (ASEAN) does not take into account the overall well-being and rights of indigenous peoples. Instead of recognizing the human rights of indigenous peoples within the region, existing unsustainable development practices coupled with the ASEAN free trade agreements that are due to come into effect in 2015 will only serve to further marginalize indigenous peoples.

5. The Permanent Forum recommends that States establish mechanisms and processes for consistent dialogues and consultations with indigenous peoples in their countries on ways and means to foster better relationships and to enable indigenous peoples to exercise fully their civil, political, economic, social and cultural rights, in addition to other individual and collective human rights.

6. The Permanent Forum recommends that States immediately begin the process of demarcation of indigenous peoples' lands and territories in accordance with customary laws and the norms reflected in the United Nations Declaration on the Rights of Indigenous Peoples, with a view to further protecting indigenous peoples' lands and resources from expropriation, exploitation and designation as conservation areas or national parks without the free, prior and informed consent of indigenous peoples, as set out in articles 19, 26 and 27 of the Declaration.

7. The Permanent Forum recommends that States ensure that the territories of indigenous peoples in Asia be free of State military interventions and that military bases, camps and training centres established in indigenous territories without the free, prior and informed consent of indigenous peoples be removed immediately, consistent with articles 19 and 30 of the Declaration.

8. The Permanent Forum recommends that States ensure access to justice for indigenous peoples, including indigenous women, through formal justice institutions, national human rights institutions and other forms of redress or recourse, all while taking into account indigenous peoples' customary laws, institutions and processes, consistent with articles 21, 22 and 34 of the Declaration.

9. The Permanent Forum recommends that the ASEAN Intergovernmental Commission on Human Rights recognize the human rights of indigenous peoples in the ASEAN declaration on human rights and establish a working group on indigenous peoples. In addition, the Forum urges the South Asian Association for Regional Cooperation to establish a human rights commission and a working group on indigenous peoples.